



## CITY OF HAYWARD AGENDA REPORT

Planning Commission  
Meeting Date 06/10/99  
Agenda Item 3

TO: PLANNING COMMISSION

FROM: Richard E. Patenaude, Associate Planner

SUBJECT: USE PERMIT NO. 98-150-26/VARIANCE NO. 98-180-09 - ANTONIO SOLORIO (APPLICANT/OWNER): Request for a use permit to construct a 1,845-sq.ft. building for use as a 45-seat restaurant with associated parking at 29950 Huntwood Avenue, on the northeast corner with Industrial Parkway West, in an Industrial (I) District. The applicant also requests a variance to delete the required 15 percent tractor/trailer parking for restaurants in the I District.

### RECOMMENDATION:

That the Planning Commission approve the use permit and variance, subject to the attached findings and conditions of approval.

### DISCUSSION:

#### Proposal

The applicant proposes to construct a 1,845-sq.ft. building for use as a 45-seat restaurant. The proposed building is one story with Mediterranean Spanish-style features; a circular tower accents the corner of the property at the street intersection. The building finishes include stucco walls with a plaster finish and painted in earth tones, terra cotta roof tiles, and window sashes painted green.

The applicant proposes two driveways on Huntwood Avenue; there will be no customer access from Industrial Parkway. The property meets the minimum parking requirements (21 spaces) except that no tractor/trailer parking spaces are provided. The Off-Street Parking Regulations require that restaurants in the Industrial (I) District designate 15 percent of the total required parking spaces (three spaces) as such. The parking layout had to be designed with a combination of parking spaces angled to fit this small, narrow lot. A one-way driveway provides access to the parking spaces with the entrance driveway at the southerly end of the property (approximately 60 feet north of Industrial Parkway) and the exit driveway at the northerly end of the property.

The building is currently proposed to be setback 14 feet from Industrial Parkway. The minimum front setback in the Industrial District is 10 feet. However, staff is recommending a minimum

setback of 20 feet, which is consistent with the Hayward Landscape Beautification Plan and previous actions along Industrial Parkway West. A condition of approval requires conformance to the 20-foot setback. There is potential to redesign the building and other site features to accomplish this requirement. However, this could result in a reduction of the size of the building.

### Site

The site contains 16,391 square feet (.38 acre) with approximately 58 feet of frontage on the northerly side of Industrial Parkway West and approximately 287 feet on the easterly side of Huntwood Avenue. This parcel is a long and narrow lot that is difficult to develop for uses permitted in the Industrial (I) District. The property is currently vacant except for an unauthorized catering trailer, operated by the applicant/owner, over which has been built a canopy to provide shelter for both the trailer and an outdoor dining area for customers. There is a paved parking area, at the location of the proposed building, which can accommodate 11 cars; a curb cut from Huntwood Avenue provides access. The site is comprised of two separate parcels; they will have to be merged.

The catering trailer is being operated without benefit of a food vendor permit as required by Section 10-1.510 of the Zoning Ordinance and the owner recently was advised to remove it. The applicant was notified by Community Preservation several months ago to terminate the illegal use and, to date, has incurred \$469 in inspection fees. In addition, he was issued a citation and, on March 26, 1999, was found guilty by the court, fined \$100 and placed on probation, and ordered to bring his property into compliance. As of this writing, he has not completely complied with the judge's order. The smaller, northerly parcel currently is occupied by an unauthorized storage yard surrounded by a chain-link fence with inserts to partially shield stored vehicles from view of Huntwood Avenue. A condition of approval requires elimination of the zoning violations prior to acceptance of a building permit application.

### Adjacent Land Use and Zoning

North/East - 727 Industrial Parkway Auto Service Center (mixed auto repair services), zoned Industrial (I) District  
South - Alameda Flood Control Channel (along south side of Industrial Parkway) and multi-tenant industrial park, zoned Industrial (I) District  
West - (across Huntwood Ave.) Various auto and RV service providers, zoned Industrial (I) District

### Variance

The City's Off-Street Parking Regulations require that restaurants in an Industrial (I) District designate 15 percent of the required parking to accommodate tractor/trailer combinations; in this case, three spaces would have to be so designated. The applicant requests a deletion of this requirement. Staff believes that findings can be made to support the variance due to the proximity of a residential neighborhood.

Residential uses are located less than 600 feet north of this property along Huntwood Avenue, including New England Village Mobilehome Park and the Huntwood Terrace multi-family development. The expansion of the Summerhill homes westerly toward Huntwood Avenue, directly to the north of the proposed project, will complete the transition of the immediate area from industrial to residential uses. The proposed restaurant has the potential of providing a needed facility for the nearby residential community as well as the numerous industrial enterprises which are within walking distance or accessible by standard vehicles. The nearest interchange of Industrial Parkway with Interstate 880 is slightly more than one mile to the west and this restaurant is not expected to be of a scale to attract truck traffic from the freeway.

The provision of tractor/trailer parking could also encourage the use of this property by larger vehicles. The intermingling of heavy truck traffic with the residential traffic on this portion of Huntwood Avenue would be detrimental to the health and safety of the residents. A future median on Huntwood Avenue, proposed by the Tennyson-Alquire Neighborhood Plan, would send large commercial vehicles into the residential area with no ability to turn around if tractor/trailer parking were encouraged. The narrow width (58 feet) of the property prohibits the placement of driveway access directly from Industrial Parkway to accommodate truck traffic. The narrow width also makes adjustment of parking spaces to accommodate tractor/trailer combinations difficult; such parking spaces would need to be 12 feet wide and 65 feet long. Other office, retail and service uses allowed in the Industrial (I) District are not required to provide tractor/trailer parking.

#### Landscaping

A conceptual landscape plan has been submitted. The site plan shows proposed groundcovers, shrubs and trees to be planted. All landscaping is required to meet the City's landscaping requirements and standards for commercial development. The applicant is required to submit a detailed landscape and irrigation plan prepared by a licensed landscape architect for review and approval prior to issuance of a building permit.

The Hayward Landscape Beautification Plan establishes design goals and policies for the Industrial Parkway corridor. A goal of the Plan is to maintain a high-quality, private landscaping along the edge of the right-of-way. The objective of the Plan for this corridor is to maintain the theme of conifers and evergreens. In order to meet this objective, staff has been recommending a front yard setback of 20 feet for new construction in this corridor; the Zoning Ordinance requires a minimum of 10 feet in the Industrial (I) District. While the applicant intends to maintain as deep a setback as possible, the current proposal indicates building setbacks of 14 feet from Industrial Parkway and 20 feet from Huntwood Avenue. The setback from Industrial Parkway is dependent on the parking configuration and other site plan considerations; as revised site plans and detailed construction plans are prepared, the applicant will be required to maximize this setback to achieve a 20-foot setback from Industrial Parkway.

The applicant will also be required to enhance the easterly elevation of the building such that westbound traffic on Industrial Parkway will not be faced with large expanses of unadorned walls. Part of this enhancement will include buffering this wall with vines, shrubs and trees. The applicant has also agreed to add architectural detailing.

#### Trash/Recycle Service

One trash enclosure has been proposed. The City Solid Waste Manager has requested more detailed plans, and resultant modifications will have to be incorporated into site plan and design revisions prior to issuance of building permits.

#### Lighting

The submitted plans show only the location of parking lot light standards. Staff recommends that a lighting plan be submitted for review and approval prior to issuance of a building permit and that the fixtures complement the architectural theme of the building. This plan must comply with the Security Ordinance provisions.

#### Signs

The submitted plans indicate a wall sign of individual, raised letters facing each of the two streets and located on the tower portion of the building. The site is entitled to one sign per street frontage; each sign shall be no larger than 25 square feet. The applicant is required to submit a detailed application for these and any other proposed signs. Sign design, color, materials and location are required to be complementary to and reflective of the architectural design of the building.

#### Zoning, General Plan and Neighborhood Plan Consistency

The property is designated on the Zoning Map as an Industrial (I) District and a free-standing restaurant typically would require administrative use permit review and approval by the Planning Director. However, the use permit is being referred to the Planning Commission because of the request for a variance to delete the requirement for tractor/trailer parking. Staff believes the proposed project, as conditioned, is in compliance with all applicable zoning, design and performance criteria. The General Plan Policies Map also designates the site as "Industrial."

The project is consistent with the Tennyson-Alquire Neighborhood Plan in that it adds to the buffer between the industrial uses along the Industrial Parkway corridor and the residential uses directly to the north.

#### Environmental Review

This project is an in-fill development project which is consistent with applicable general plan and zoning designations, policies and regulations; is substantially surrounded by urban uses; has no value as habitat for endangered, rare or threatened species; would not result in any significant

effects relating to traffic, noise, air quality or water quality; and can be adequately served by all required utilities and public services. The State Secretary for Resources has determined that this is a class of project (Class 32) that does not have a significant effect on the environment, and is declared to be categorically exempt from the requirement for the preparation of environmental documents.

#### Public Hearing Notice

On April 8, 1999, a notice of public hearing was mailed to property owners and occupants within 300 feet of the property as noted on the latest Assessor's records, and to the Tennyson-Alquire Neighborhood Task Force members. Holly Rogers, of the Fairway Park Neighborhood Association, indicated her support of the project. Others who have registered support of this application include employees of the nearby businesses. The California Trucking Association has also lent its support to delete the requirement for truck parking at restaurants in the Industrial District.

#### Conclusion

Staff believes the proposed project provides for an appropriate use of land within the Industrial (I) District. The use would be compatible with, and provide an important service to, the surrounding businesses and residential neighborhoods, provided the recommended conditions of approval are adopted pertaining to the landscaping, signage and operating procedures. The required findings can be made to approve the variance; the truck traffic will have a detrimental effect on the residential neighborhoods to the north if the tractor/trailer parking is required. With the exception of conditions 3, 7, 14 and 28, which are site-specific, all conditions of approval are those that are standard for restaurants in general.

Prepared by:



Richard E. Patenaude  
Associate Planner

Recommended by:



Dyana Anderly, AICP  
Development Review Services Administrator

**Attachments:**

- A - Findings for Approval of Use Permit/Variance**
- B - Conditions of Approval**
- C - Area Map**
- D - Site Plan**
- E - Elevations**

**FINDINGS FOR APPROVAL**  
**Use Permit Application No. 98-150-26**  
**Variance Application No. 98-180-09**  
**Tacos Uruapan**  
**29950 Huntwood Avenue**

Based on the staff report and the public hearing record:

1. The Planning Commission finds that this project is an in-fill development project which is consistent with applicable general plan and zoning designations, policies and regulations; is substantially surrounded by urban uses; has no value as habitat for endangered, rare or threatened species; would not result in any significant effects relating to traffic, noise, air quality or water quality; and can be adequately served by all required utilities and public services. The State Secretary for Resources has determined that this is a class of project (Class 32) that does not have a significant effect on the environment, and is declared to be categorically exempt from the requirement for the preparation of environmental documents. This finding reflects the independent judgement of the Planning Commission based on the California Environmental Quality Act (CEQA) Guidelines.
2. That the restaurant, as conditioned, will not impair the character and integrity of the Industrial (I) zoning district, and surrounding area, as the use is compatible with, and provides a public convenience to, surrounding industrial and residential land uses.
3. That the project, as conditioned, will not be detrimental to the public health, safety, or general welfare as evidenced by the fact that it is in harmony with the Hayward General Plan land use designation (Industrial) and the existing zoning district (I).
4. That this project provides a buffer between the Industrial Parkway corridor and the residential areas to the north as recommended by the Tennyson-Alquire Neighborhood Plan.
5. That the approval of the variance to delete the requirement to provide 15% of the total required parking as tractor/trailer parking is justified in that:
  - a. The requirement to provide tractor/trailer parking on this site, given that access to the property is from Huntwood Avenue, will encourage increased levels of truck traffic on a portion of Huntwood Avenue that serves low-density residential uses. The shape of the property, with a 1:5 width to depth ratio, prevents access for truck traffic from Industrial Parkway; and
  - b. strict application of the requirement to provide the required parking spaces for tractor/trailer vehicles would deprive the property of privileges enjoyed by other properties in the vicinity or under the same zoning classification in that only restaurants and hotels/motels are required to provide such parking; and

- c. the variance does not constitute a grant of special privilege as other retail, office and service uses in the vicinity, and under the same zoning classification, are not required to provide similar parking facilities; and
- d. the subject property is adjacent to existing and proposed low-density residential neighborhoods, which are sensitive receptors for truck traffic noise.



**EXHIBIT - B**

**CONDITIONS OF APPROVAL**  
**Use Permit Application No. 98-150-26**  
**Variance Application No. 98-180-09**  
**Tacos Uruapan**  
**29950 Huntwood Avenue**

1. The Tacos Uruapan Restaurant shall be constructed consistent with the plans approved by the Planning Commission, and shall adhere to all conditions of approval attached hereto. This approval shall become null and void one year after the effective date of approval unless a building permit application has been submitted and accepted for processing by the Building Official. Any modification to the approved plans shall require review and approval by the Director of Community and Economic Development/Planning Director.
2. Prior to occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Director of Community and Economic Development/Planning Director.
3. No building permit application will be accepted until all zoning violations are removed from the property.
4. Prior to construction, a building permit must be obtained from the Development Inspection Services Division. All improvements must be completed in accordance with the Uniform Building Code and Uniform Fire Code as adopted by the City of Hayward. Two sets of plans approved by the Alameda County Health Department shall be provided at the time of building permit submittal.
5. In order to reduce intermittent air pollutants during the construction phase of the project, the developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation, that construction equipment is maintained and operated in such a way as to minimize exhaust emissions, and that, if construction activity is postponed, graded or vacant land is immediately revegetated.
6. The applicant shall submit, along with the Equipment & Furnishings Plan, the type and location of fume hoods and vent scrubbers to minimize restaurant odors to be reviewed and approved by the City Engineer.
7. Before issuance of a building permit, the applicant shall submit a revised site plan to the Director of Community and Economic Development/Planning Director for review and approval. This site plan shall reflect conformance with all pertinent approval conditions including parking, landscaping and signage. The building setback along Industrial Parkway shall be maximized to achieve a distance of 20 feet in order to provide landscaping in accordance with the goals and policies of the Hayward Landscape Beautification Plan.

8. Prior to the issuance of a building permit, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*.
  - a. The parking lot shall include one 15-gallon tree for every 6 parking stalls. Trees shall be planted within triangular planters and medians and staggered with the street trees on Huntwood Avenue.
  - b. A minimum 10-foot-wide landscape buffer shall be planted along Huntwood Avenue adjacent to the parking lot. Evergreen shrubs shall be planted in the buffer to screen the parking area from the street. The type and spacing of shrubs shall create a continuous 30-inch-high hedge within two years.
  - c. Additional architectural detailing and landscaping shall be incorporated along the blank walls on the north, south and west elevations.
  - d. All above ground utilities, mechanical equipment and trash enclosures shall be screened from the street with shrubs. Vines shall be planted along the walls of the trash enclosure.
  - e. One 24" box street tree is required for every 30 lineal feet of frontage on Huntwood Avenue and Industrial Parkway. Trees shall be planted behind the sidewalk and according to the city standard detail SD-122. Tree species shall be determined by the City.
  - f. Landscaped areas adjoining drives and parking areas shall be separated by a 6-inch-high class "B" Portland Cement concrete curb. Parking rows shall be capped with a landscaped median a minimum of 5-foot-wide measured inside the curbs.
9. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect.
10. Existing trees shall be preserved in accordance with the Tree Prevention Ordinance. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City landscape Architect.
11. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
12. Prior to issuance of a building permit, the applicant shall submit a detailed Sign Permit Application to the Director of Community and Economic Development/Planning Director for review and approval, subject to the following:
  - a. all signs shall conform to the Hayward Sign Regulations for the Industrial (I) District;
  - b. the base and framing of any freestanding/monument sign shall reflect the architectural design, colors and materials of the building;
  - c. wall signs shall use individual channel letters; and

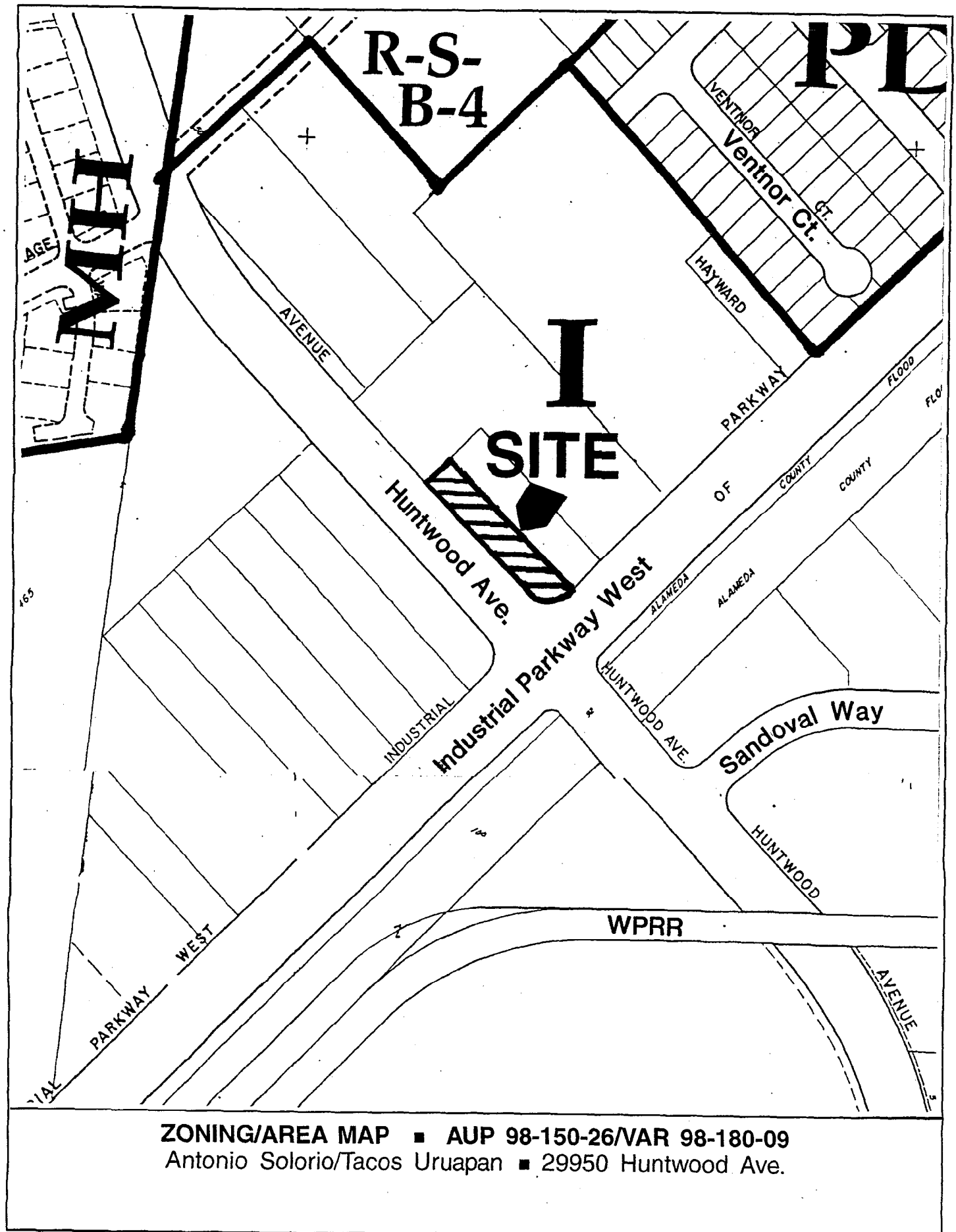
- d. directional signs shall not exceed 6 square feet in area per face and 3 feet in height.
  - e. Grand opening and promotional signs will require a separate permit and are subject to the provisions of the Hayward Sign Regulations.
13. All parking stalls and maneuvering areas shall meet the minimum standards of the City Off-Street Parking Regulations. Parking stalls shall be striped and any compact or handicapped stalls shall be clearly marked. The parking areas shall be paved to the satisfaction of the Planning Director.
14. The Industrial Parkway and Huntwood Avenue frontages and both site driveways shall be improved pursuant to SD-110 and to the satisfaction of the City Engineer.
15. Prior to the issuance of a building permit, the property owner/applicant shall indicate the location and dimensions of any existing and proposed enclosure(s) for trash and recyclables on a plan. The number and type of containers, which will be used, shall also be indicated. The property owner/applicant shall provide an enclosure(s) that conforms to City standards, including the following:
- a. A 6-inch wide curb or parking bumpers shall be provided along the interior perimeter of the enclosure to protect the walls from damage by the dumpster. A 6-inch wide parking bumper, at least 3 feet long, shall also be placed between the dumpster(s) and any recycling container(s). A minimum space of 9 inches must be maintained between the dumpster(s) and the walls of the enclosure and any recycling cart(s) to allow for the maneuvering of the dumpster(s).
  - b. A drain to the sanitary sewer shall be provided beneath the dumpster and wherever wet waste is generated and can washing areas are located.
  - c. The existing exterior trash enclosure shall be covered. The final design shall be approved by the Director of Community and Economic Development/Planning Director before occupancy. No other area shall drain into the trash enclosure.
  - d. The applicant shall provide for adequate on-site storage containers for recyclables within the buildings, including paper, glass/plastic/metal beverage containers, and other recyclables where generated.
  - e. If the enclosure(s) is gated, the gates and the hinges must be flush with the enclosure wall. The design shall ensure that the gates open straight out in order to allow adequate maneuverability of the dumpster.
  - f. The exterior of the trash enclosure shall match the primary structure and have a covered roof. Access gates shall be solid decorative metal. The trash enclosure shall be large enough to accommodate recycle bins.
16. The property owner/applicant shall submit, to the Solid Waste Manager, prior to any site modifications, an on-site recycling plan that would be implemented during any demolition and construction phase(s). The plan must show the anticipated start and completion dates of any demolition and construction; estimate the quantities of construction and demolition waste that will be generated; and estimate the quantities of materials that will be recycled and identify the facilities that will be used.
17. The applicant/owner shall maintain exterior lighting for the establishment that is adequate for the illumination and protection of the premises. A lighting plan shall be submitted for review and

approval by the Director of Community and Economic Development/Planning Director. Lighting shall not be excessive and not shine onto oncoming traffic on either Industrial Parkway or Huntwood Avenue. The design of fixtures used for lighting shall complement the architectural theme of the building. The project shall comply with the requirements of the Hayward Security Ordinance (lighting, locking, addressing, etc.).

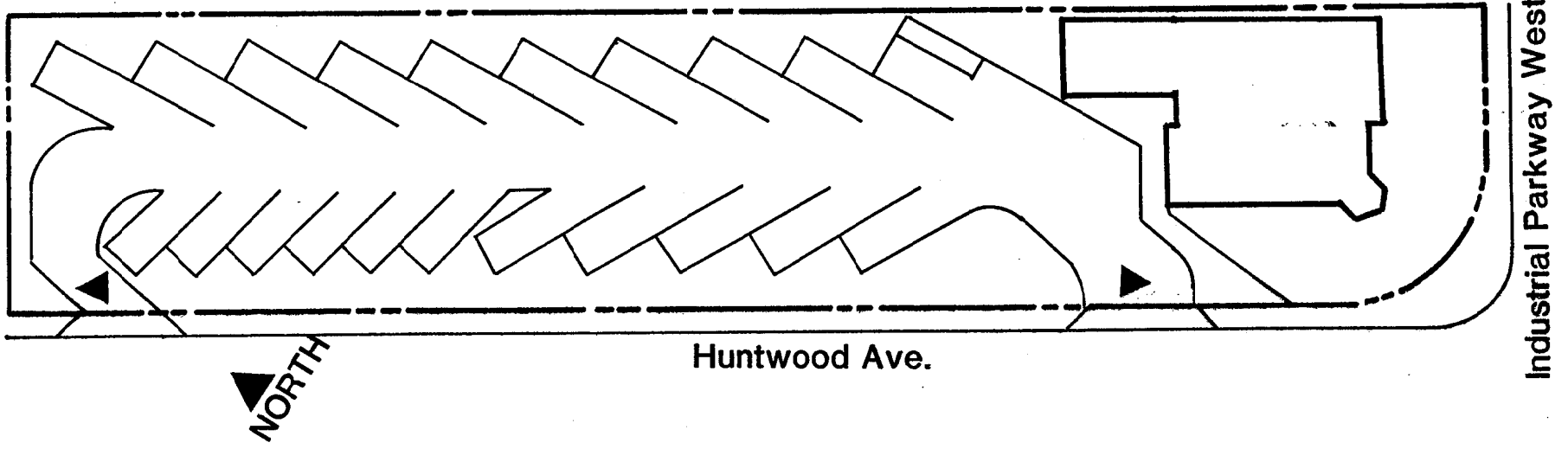
18. Water Pollution Source Control requirements shall include but not be limited to the following:
  - a. No polluted waters from HVAC units shall be discharged to the storm drain via roof drains. Uncontaminated condensate is acceptable for storm drain discharge.
  - b. All wastewater and washing operations shall be discharged to the sanitary sewer and not the storm drain, including mat cleaning and any washing of the trash area.
  - c. The sanitary sewer discharge from this facility shall be in compliance with all wastewater discharge regulations, prohibitions and limitations to discharge, including the 300-milligram per liter oil and grease limit.
  - d. Materials, gasoline spill, oil spill, heavy stains, radiator fluid, litter, etc. shall be picked-up by dry methods and sweeping so as not to pollute stormwater runoff.
  - e. All discharges and connections shall require approval from Water Pollution Source Control.
  
19. A detailed grading and drainage plan shall be submitted for review and approval by the City Engineer. A storm drainage system shall be provided that conveys stormwater runoff into the City facilities. Roof drainage shall be connected into the on-site drainage system. The plan shall also:
  - a. identify Best Management Practices (BMPS) appropriate to effectively prohibit the entry of pollutants into the City stormwater system;
  - b. include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the regulations outlined in the ABAC Erosion and Sediment Control Handbook;
  - a. ensure that all on-site drain inlets are labeled "No Dumping-Drains To Bay" using City approved stencil template;
  - d. ensure that all wastewater and washing operations shall be discharged to the sanitary sewer and not the storm drain. This includes mat cleaning and any washing of the trash enclosure/area; and
  - e. ensure that stormwater is not discharged into the sanitary sewer without a Wastewater Discharge Permit (issued only if there are no feasible alternatives).

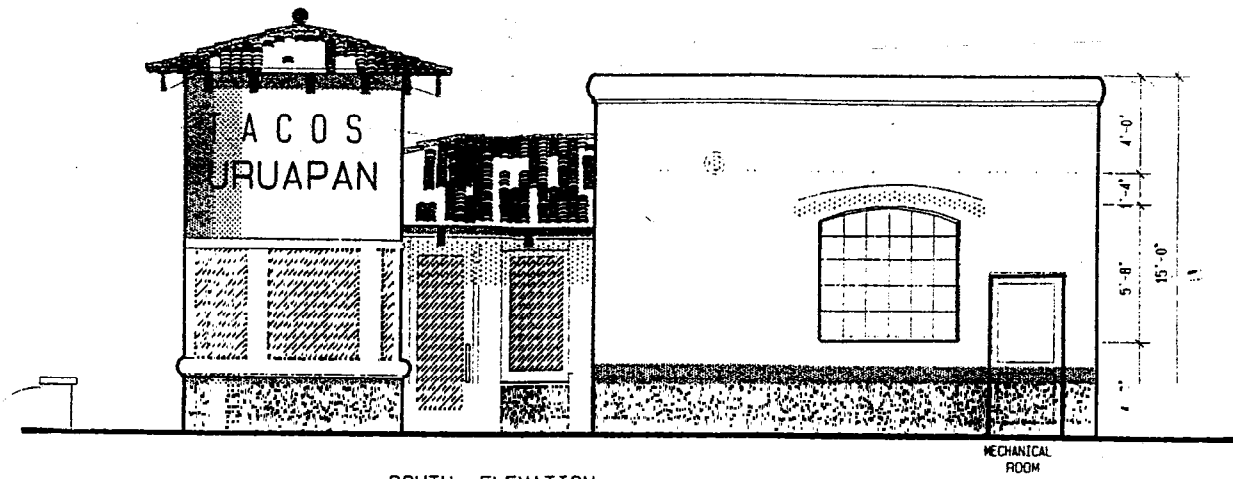
NOTE: The applicant is responsible for ensuring that all contractors are aware of all stormwater protection measures and implement such measures. Failure to comply with approved construction BMPS will result in the issuance of correction notices, citations or a project stop order.
  
20. The Utilities System requirements shall include but not be limited to the following:
  - a. applicant shall verify that the existing water service is adequate to serve the proposed project;
  - b. installation of a separate irrigation meter to avoid sewer charges on irrigation consumption; and
  - c. installation of a reduced pressure backflow prevention device for both domestic and irrigation meters per City Standard Detail SD-201.

21. A detailed soils report shall be submitted to the City Engineer for review and approval.
22. Prior to building occupancy, the applicant/owner shall pay the appropriate tax required by the Supplemental Building Construction and Improvement Tax, and any other fees that may be required.
23. The property owner shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
24. Any public telephones shall be located inside of the restaurant, unless otherwise authorized by the Director of Community and Economic Development/Planning Director.
25. No outside storage of material, crates, boxes etc. shall be permitted on-site except within the trash enclosure.
26. Any roof-mounted mechanical equipment shall be fully screened from view. Required screening shall be incorporated into the roof/parapet design.
27. A copy of these conditions of approval shall be included in and made part of any rental and/or lease agreement for the subject site and shall be posted alongside the business license and be visible at all times to employees and patrons.
28. Prior to the issuance of a building permit, the property owner shall apply for, and gain approval of, a lot line adjustment to merge the two parcels comprising the subject site.
29. Violation of these conditions is cause for revocation of permit, after a public hearing before the duly authorized review body.

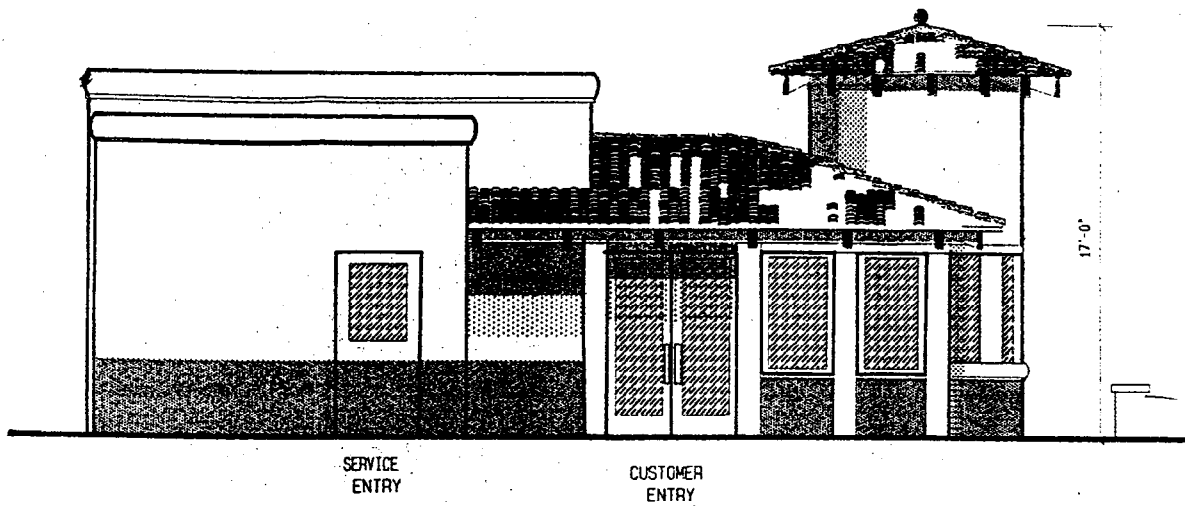


**ZONING/AREA MAP ■ AUP 98-150-26/VAR 98-180-09**  
 Antonio Solorio/Tacos Uruapan ■ 29950 Huntwood Ave.

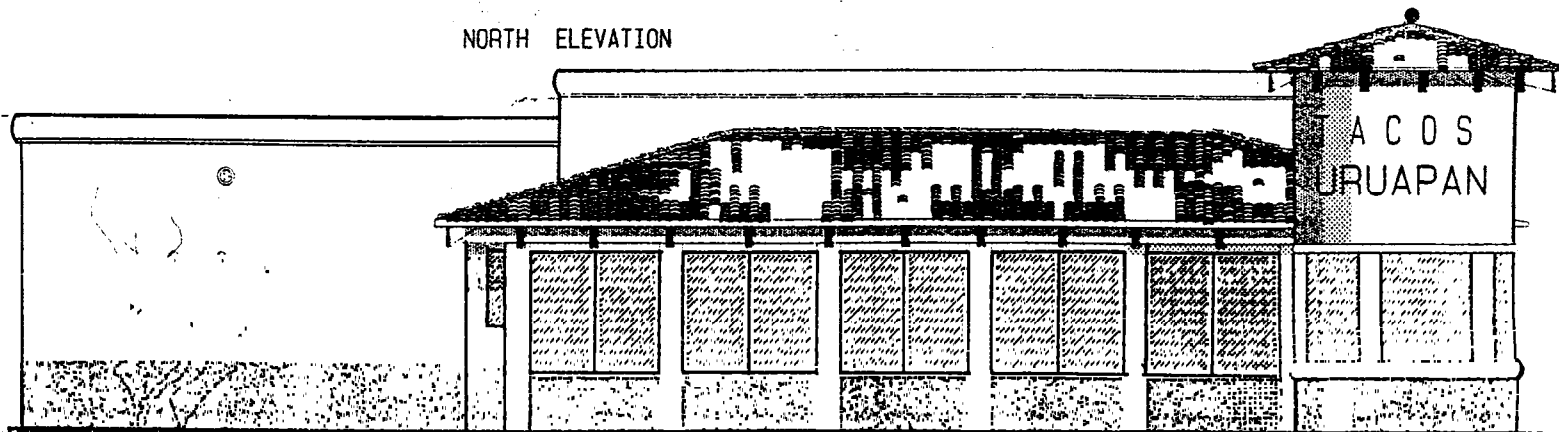




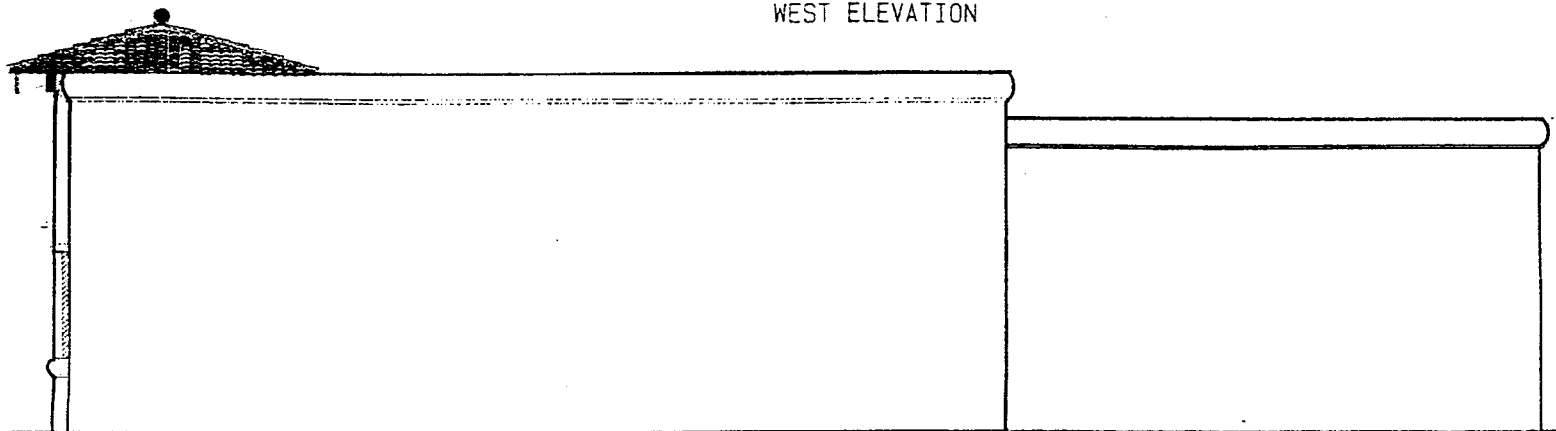
SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION